

**AMENDMENT NO. ONE TO  
PROFESSIONAL SERVICES AGREEMENT WITH  
BOHLIN CYWINSKI JACKSON FOR  
NEWPORT BEACH CIVIC CENTER & PARK DEVELOPMENT PLAN  
PHASE THREE**

THIS AMENDMENT NO. ONE TO PROFESSIONAL SERVICES AGREEMENT ("Amendment No. One"), is entered into as of this 23<sup>rd</sup> day of June, 2011, by and between the CITY OF NEWPORT BEACH, a California Municipal Corporation ("City"), and BOHLIN CYWINSKI JACKSON, a Pennsylvania Corporation whose address is 49 Geary Street, Suite 300, San Francisco, California 94108 ("Consultant"), and is made with reference to the following:

**RECITALS:**

- A. On November 24, 2010, City and Consultant entered into a Professional Services Agreement ("Agreement") for professional services for the third phase of the Newport Beach Civic Center & Park Project, which consists of architectural and consultant services for the Bidding and Construction Administration (CA) Phases less Mass Excavation CA of the Project.
- B. City desires to enter into this Amendment No. One to reflect additional services not included in the Agreement to increase the scope of work and total compensation.
- C. City and Consultant mutually desire to amend the agreement, as provided below.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

**1. SERVICES TO BE PERFORMED**

Section 2 of the Agreement shall be supplemented to include the Scope of Services dated May 13, 2011, which is attached hereto as Exhibit 'A' and incorporated herein by reference. The City may elect to delete certain tasks of the Scope of Services at its sole discretion.

**2. COMPENSATION**

The introductory paragraph to Section 4 of the Agreement shall be amended in its entirety and replaced with the following: City shall pay Consultant for the services on a time and expense not-to-exceed basis in accordance with the provisions of this Section and the Schedule of Billing Rates attached to the Agreement. Consultant's total amended compensation for all work performed in accordance with this Agreement, including all reimbursable items and subconsultant fees, shall not exceed Three Million, Nine Hundred Fifty, Five Hundred Twenty-Two Dollars and no/100 (\$3,950,522.00)

without prior written authorization from City ("Total Amended Compensation"). No billing rate changes shall be made during the term of this Agreement without the prior written approval of the City.

- 2.1 The Total Amended Compensation reflects Consultant's additional compensation for additional services to be performed in accordance with this Amendment No. One, including all reimbursable items and subconsultant fees, in an amount not to exceed Fifteen Thousand, Four Hundred Ten Dollars and no/100 (\$15,410.00), without prior written authorization from City.

### 3. INTEGRATED CONTRACT

Except as expressly modified herein, all other provisions, terms, and covenants set forth in the Agreement shall remain unchanged and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. One on the dates written below.

**APPROVED AS TO FORM:**  
**OFFICE OF THE CITY ATTORNEY**

Date: 5/25/11

By: [Signature]  
Leonie Mulvihill  
Assistant City Attorney

**CITY OF NEWPORT BEACH,**  
A California municipal corporation

Date: 6/23/11

By: [Signature]  
Stephen G. Badum  
Public Works Director

**ATTEST:**  
Date: 6.23.11

By: [Signature]  
Leilani I. Brown  
City Clerk



**CONSULTANT: BOHLIN CYWINSKI JACKSON,** a Pennsylvania Corporation  
Date: 6/3/11

By: [Signature]  
Gregory R. Mottola  
Vice President

Date: 06/07/2011

By: [Signature]  
William D. Loose  
Vice President and Treasurer

Attachment: Exhibit A – Additional Services to be Performed

# **EXHIBIT A**

13 May 2011

**Mr. Steve Badum, Public Works Director**

City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92663

**Project:**        **Newport Beach City Hall**  
Newport Beach Project Number xxx  
BCJ Project 08519D

**Subject:**        **Changes in Southern California Edison (SCE) requirements**  
Additional Services Proposal (BCJ Project 08519D x02)

Dear Mr. Badum:

As you are aware, there has been an ongoing conversation with Southern California Edison (SCE) regarding the powering of the Library and the new City Hall. This conversation started in the design phase and the 100% CDs reflected the input of SCE to that date. After the CDs the conversations continued and in these SCE's requirements and direction continued to change and evolve, including the introduction of new requirements that no one on the team had encountered on any previous project. Though, in the spirit of team work and agreeability, the design team had initially been able to absorb these many changes, the scope of changes, primarily in their implementation, became larger than previously estimated. It is this implementation scope on which the additional service request is based.

**Project Scope**

The scope of this project will consist of the integration of the final direction from SCE in the Civil, Landscape, Architectural, Structural, and Electrical disciplines. The updates to the drawing set with this information will appear in permit revisions four, five and six. Please see the attached proposals from Arup and PWP for additional scope detail.

BCJ will manage this process, and coordinate Arup's efforts with the design team, CW Driver and the City.

Architecture Planning Interior Design  
Wilkes-Barre/Pittsburgh/Philadelphia/Seattle/San Francisco

49 Geary Street, Suite 300  
San Francisco, California 94108-5555  
415-989-2100/Fax: 415-989-2101

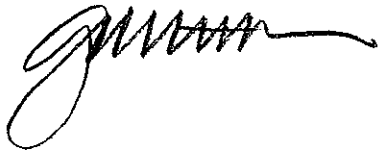
### Project Fee

This proposal is for a time-and-material fee, with a not-to-exceed amount of \$15,410 based on the assumptions below:

<b>Services</b>	<b>BCJ</b>			
	01 hours	Principal	\$285.00 per hour	\$285
	08 hours	Senior Associate	\$160.00 per hour	\$1,280
	08 hours	Staff I	\$105.00 per hour	\$885
	<b>Arup</b>	13 April 11 proposal		\$8,000
	<b>PWP</b>	13 May 11 proposal		\$5,005
<b>Reimbursables</b>	<b>BCJ</b>	To be billed under base project (08519D)		NA
	<b>Arup</b>	To be billed under base project (08519D)		NA
	<b>PWP</b>	To be billed under base project (08519D)		NA
	<b>Total</b>			\$15,410

The BCJ team appreciates the continued opportunity to work with the Newport Beach community towards the realization of this exciting project. Please contact us if you have any questions or need additional information.

Sincerely yours,



Greg Mottola, AIA  
Principal



Steven Chaitow, AIA  
Project Manager

Cc: BCJ Team

OWNER:

City of Newport Beach

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ARCHITECT:

Bohlin Cywinski Jackson

Signed: \_\_\_\_\_

Printed Name: Gregory R. Mottola, AIA

Title: Vice President

Date: \_\_\_\_\_

# ARUP

Steve Chaitow  
Bohlin Cywinski Jackson  
49 Geary Street, Suite 300  
San Francisco, CA  
94108

560 Mission Street  
Suite 700  
San Francisco  
CA 94105  
United States of America  
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john.worley@arup.com  
www.arup.com

April 13, 2011

Dear Steve

## NBCC&P Project - Additional Service Proposal

Electrical, Structural and Civil Engineering Associated with Addition of Below  
Grade Electrical Vaults in Loading Dock Area

This letter provides an additional service fee proposal for Electrical, Structural and Civil Engineering services associated with the addition of an emergency switch gear near the Central Library, and below grade electrical vault in the loading dock area adjacent to the City Hall building. The addition of this equipment alters the approved electrical, structural, and civil designs and will be documented as Permit Revisions #4 and #5.

### Scope of Work

Electrical, Structural and Civil tasks associated with this work include the following:

- Redesign of electrical site plan, riser diagram, and civil utility plans to comply with direction provided by Tim McGinnis of SCE on Jan 26 and Mar 21. This direction includes adding an emergency switch gear and capacitor bank on Jan 26, and then removing the capacitor bank and providing additional access information for the City Hall transformer on Mar 21.
- Redesign foundation for steel column located at grid 1/F and 1/C.
- Redesign to the City Hall foundation along grid line 2 for the vault and its associated conduit to pass below the foundation.
- Redesign retaining wall and its associated footing between grid B and grid B.6 (referred as Wall "F" on civil documents).
- Document items directed in both Jan 26 and Mar 21 meetings on Electrical and Civil drawings as Permit Revision #4; issued to BCJ on Apr 1.
- Document items directed in the Mar 21 meeting on Structural and Civil drawings as Permit Revision #5, which will be issued to BCJ on Apr 13.

## **Exclusions**

During the design phase, the Arup team sought to provide timely response to ongoing external reviews and constraints by local utilities, which will continue through the construction phase as required. Prior to the scope items described above, one permit revision and two coordination meetings were provided by Arup in an effort to keep discussions between the team and Southern California Edison moving forward. Though these items are beyond base project services, the design team will not seek additional compensation for them:

- Civil, Electrical, Telecom and Structural redesigns to locate the Library electrical meter panel and route electric and telecom services beneath the Library slab to the basement, as directed by CWD after 100% construction documentation. Revisions were documented as Permit Revision #3 on Jan 28.
- One (1) in-person team meeting between the design team and SCE on Jan 26 where Tim McGinnis directed the team to add an emergency switch gear and capacitor bank. While Paul Barnard had discussed the electrical design with SCE through the design phase, SCE did not direct the team to include these items until this date.
- One (1) in-person meeting between the design team and SCE on Mar 21, where the team presented revised documents from direction provided in the Jan 26 meeting. Tim McGinnis again provided new direction to the team, this time removing the capacitor pad and providing additional information for locating the City Hall transformer.

Arup hereby seeks additional fee authorization only for Civil, Electrical, and Structural redesigns imposed by the Jan 26 and Mar 21 meetings, which will be documented under Permit Revisions #4 and #5 as outlined above.

## **Schedule**

We can start on this work immediately once we receive approval from the City for the additional service. We anticipate completing the scope of work within a week from date of receiving approval.

## **Fees**

Our fee to complete the above scope of work is \$8,000 (T&M not to exceed fee). We will invoice on a time basis per the approved contract billing rates. Any reimbursables will be billed to the base project.

## **Terms and Conditions**

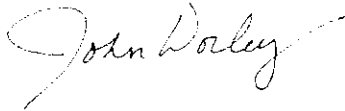
We assume that this scope of work will be carried out under the same terms and conditions as our existing work.

April 13, 2011

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If you have any questions regarding this proposal please contact me.

Yours sincerely

A handwritten signature in cursive script that reads "John Worley". The signature is fluid and stylized, with a long horizontal stroke at the end.

John Worley, SE  
Principal